

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

2005-07-18 A 9:48

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE LITIGATION)

U.S. DISTRICT COURT
EASTERN DISTRICT OF MASS.

MDL NO. 1456
Civil Action No: 01-12257-PBS

THIS DOCUMENT RELATES TO
ALL ACTIONS.

Judge Patti B. Saris
(case pending in D. Mass.)

HEALTH ALLIANCE PLAN'S
MOTION FOR WAIVER OF ELECTRONIC FILING

NOW COMES Health Alliance Plan (HAP), by and through its attorneys, FEIKENS, STEVENS, KENNEDY & GALBRAITH, P.C., and requests that this Honorable Court grant HAP's Motion for Waiver of Electronic Filing for the purpose of accepting HAP's Objection and Response to Subpoena which was served and received by this Court via United Parcel Service on July 19, 2005, and in support of its motion, states as follows:

1. HAP is a non-party to this MDL litigation. HAP and the undersigned counsel are located in Michigan.

2. That on July 18, 2005 counsel for HAP responded to a Subpoena filed in this matter by way of an Objection and Response to Subpoena and forwarded same to this Court via United Parcel Service. The pleadings were received by this Court on July 19, 2005 (Exhibit A).

3. That on or about July 26, 2005 the undersigned received the Court's Notice of Rejection of Filing (Exhibit B), requesting that HAP's Objection and Response to the Subpoena be filed electronically or a motion for waiver of electronic filing be filed with the

Court within 3 business days from the date of receipt of said Notice.

4. The undersigned counsel was on vacation from 2:00 p.m., July 15 until July 28, 2005.

5. That the undersigned's secretary was unaware of the fact that registration for Electronic Court Filing (ECF) needed to be conducted through the United States District Court of Massachusetts and attempted to electronically file HAP's Objection and Response to Subpoena with the United States District Court of Michigan.

6. HAP's Objection and Response was mailed July 18, 2005 to the law firm that initiated the discovery.

7. That once there was clarification of what needed to be done to successfully file HAP's Objection and Response to Subpoena in the United States District Court of Massachusetts, a successful electronic registration was performed and confirmation was received on this date, July 29, 2005. However, a conversation with Helen Costello of the ECF Help Desk revealed that the process of actually confirming the submitted information and assigning a Login number and Password could take anywhere from a few days to a week.

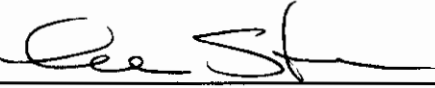
8. A good faith attempt to timely respond and file was made on behalf of HAP and no prejudice to any party has occurred.

9. Therefore, the undersigned hereby requests that this Honorable Court grant a waiver of electronic filing of HAP's Objection and Response to Subpoena and Proof of

10. Service and accept the filing in hard copy form as re-submitted together with this motion or accept delayed electronic filing effective as of July 18, 2005.

Respectfully submitted,

FEIKENS, STEVENS, KENNEDY
& GALBRAITH, P.C.

By: 

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Detroit, MI 48226-3516
313-962-5909/Fax: 313-962-3125

Dated: July 29, 2005

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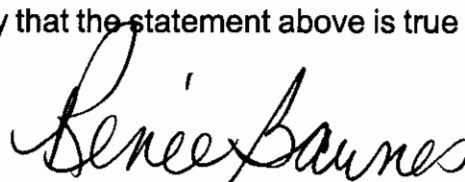
PROOF OF SERVICE

- Re: 1. **HEALTH ALLIANCE PLAN OF MICHIGAN'S MOTION FOR WAIVER OF
ELECTRONIC FILING; and**
2. **PROOF OF SERVICE.**

The undersigned certifies that a copy of the foregoing instrument was served on **July 29, 2005**, upon all parties of record herein at their respective addresses disclosed on the pleadings.

By: ☒ U.S. Mail
☐ Hand Delivered
☐ Federal Express
☐ FAX

I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.



Renée Barnes